

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

THEODORE SPEARMAN,

Defendant.

CASE NO. MJ08-196

DETENTION ORDER

Offenses charged:

Count 1 - Felon in Possession of Firearm;

Count 2 - Possession of Unregistered Machine Gun.

Date of Detention Hearing: 05/01/08

The court, having conducted a detention hearing pursuant to 18 U.S.C. § 3142(f), and based upon the factual findings and statement of reasons for detention hereafter set forth, finds that no condition or combination of conditions which defendant can meet will reasonably assure the appearance of defendant as required and the safety of any other person and the community.

FINDINGS OF FACT AND STATEMENT OF REASONS FOR DETENTION

- (1) The Complaint indicates defendant sold two handguns, two rifles, and then a machine gun and a shotgun to a confidential informant. Some but not all of these firearms are included in the charges, as currently filed.
- (2) He also agreed to sell the rest of his firearms to the C.I., and attempted to deliver ten rifles, one additional machine gun, and 25,000 rounds of ammunition.
- (3) All of this conduct establishes defendant poses a substantial danger to the community.
- (4) He has been addicted to cocaine for 41 years, and has used a myriad of other drugs, off and on, for a long time. He tested positive for cocaine in March and in April of 2008.
- (5) At the time of these alleged offenses, he was on state court supervision.
- (6) He has a long and varied criminal record, the most recent of which includes VUCSA convictions in 2005.
- (7) He has frequently failed to appear for scheduled court appearances, resulting in the issuance of bench warrants.
- (8) While he has serious health problems, these do not justify his release. The U.S. Marshal will address his legitimate medical needs while he is in custody.

It is therefore ORDERED:

- (1) Defendant shall be detained pending trial and committed to the custody of the Attorney General for confinement in a corrections facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal;
- (2) Defendant shall be afforded reasonable opportunity for private consultation with counsel;
- (3) On order of a court of the United States or on request of an attorney for the Government, the person in charge of the corrections facility in which defendant is

1 confined shall deliver the defendant to a United States Marshal for the purpose of an
2 appearance in connection with a court proceeding; and

- 3 (4) The clerk shall direct copies of this order to counsel for the United States, to counsel
4 for the defendant, to the United States Marshal, and to the United States Pretrial
5 Services Officer.

6 DATED this 1st day of May, 2008.

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9 JOHN L. WEINBERG
10 United States Magistrate Judge
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